



# U.S. DEPARTMENT of STATE

## Costa Rica

### International Religious Freedom Report 2005

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion.

The generally amicable relationship among religions in society contributed to religious freedom.

The U.S. Government discusses religious freedom problems with the Government as part of its overall policy to promote human rights.

#### Section I. Religious Demography

The country has an area of 19,730 square miles, and its population is approximately 4.3 million. A 2004 University of Costa Rica study found that 47 percent of the population identified themselves as practicing Catholics, 25 percent considered themselves nonpracticing Catholics, 13 percent said they were evangelical Protestants, 10 percent reported that they did not have a religion, and 5 percent declared that they belonged to "another religion."

Apart from the dominant Catholic religion, there are several other religions in the country. The Church of Jesus Christ of the Latter-day Saints (Mormons) has a temple in San Jose that serves as a regional worship center for Costa Rica, Panama, Nicaragua, and Honduras. Although they represent less than 1 percent of the population, Jehovah's Witnesses have a strong presence on the Caribbean coast. Seventh-day Adventists operate a university that attracts students from throughout the Caribbean Basin. The Unification Church maintains its continental headquarters for Latin America in San Jose. Non-Christian religions, including Judaism, Islam, Taoism, Hare Krishna, Scientology, Tenrikyo, and the Baha'i Faith, claim membership throughout the country, with the majority of worshippers residing in the Central Valley (the area of the capital). While there is no general correlation between religion and ethnicity, indigenous peoples are more likely to practice animism than other religions.

The country's tradition of tolerance and professed pacifism has attracted many religious groups. Polish Jews found refuge there before and during the Second World War. The mountain community of Monteverde, a popular tourist destination, was founded during the Korean War by Quakers from the United States, acting on their convictions as conscientious objectors. The country also has welcomed Mennonites, Beechy Amish, and other pacifist religious groups. Today's immigrants, mostly Nicaraguans and other Latin Americans, do not generally practice different faiths than those of native-born citizens.

Foreign missionaries and clergy of all denominations work and proselytize freely. Mormons have the most active mission program, with 148 full-time missionaries. Many churches have short-term missions that may last a month or less and can comprise up to 20 persons.

#### Section II. Status of Religious Freedom

##### Legal/Policy Framework

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Government at all levels strives to protect this right in full and does not tolerate its abuse, either by governmental or private actors.

The Constitution provides the right to practice the religion of one's choice, and the Government generally observed and enforced this provision. In the event of a violation of religious freedom, a victim may file a lawsuit with the Constitutional Chamber of the Supreme Court. A victim may also file a motion before the Constitutional Chamber to have a statute or regulation declared unconstitutional. Additionally, a victim may appeal to the Government's administrative court for permission to sue the

Government for alleged discriminatory acts. Laws are generally applied and enforced in a rigorous and nondiscriminatory fashion.

The Constitution establishes Roman Catholicism as the state religion and requires that the State contribute to its maintenance. However, it also prohibits the State from impeding the free exercise of other religions that do not impugn universal morality or proper behavior. In 2003, a group of legislators proposed a motion to remove language in the Constitution that states that Roman Catholicism is the official state religion. At the end of the period covered by this report, the Legislature had not considered the motion.

On April 27, 2005, a private citizen filed a motion before the Constitutional Court alleging that Article 75 of the Constitution, which establishes Roman Catholicism as the official state religion, was unconstitutional because it violated international instruments such as the Universal Declaration of Human Rights and the Inter American Convention on Human Rights. At the end of the period covered by this report, the Constitutional Court had not determined whether to accept the case.

In 2004, the Government eliminated the Catholic Church's annual subsidy from the national budget. The Ministry of Foreign Affairs is responsible for managing the Government's relationship with the Catholic Church and other religious groups in the country. Other denominations have complained that the Government favors the Catholic Church to the detriment of others.

The law allows for the Government to provide land to the Catholic Church. In some cases, the Government retains ownership of the land but grants the Church free use. In other situations, property simply is donated to the Church. This second method commonly is used to provide land for the construction of local churches; however, these methods do not meet all the needs of the Church, which also buys some land outright. Government-to-Church land transfers are not covered under any blanket legislation. Instead, they are handled by specific legislative action once or twice per year. Some denominations have construed this as favoritism.

Besides notary publics, only officials of the Catholic Church can perform marriages that are automatically recognized by the State. Other religious groups can perform wedding ceremonies, but the marriage must then be legalized via a civil union. Couples may also choose to have only a civil ceremony.

Various Catholic religious holy days are considered national holidays; these include Holy Thursday, Good Friday, and Our Lady of Los Angeles (August 2). Christmas is also a national holiday. However, if an individual wishes to observe another religious holy day, the Labor Code provides the necessary flexibility for that observance upon the employer's approval.

The Government does not require religious groups to register, nor does it inhibit the establishment of religious groups through taxation or special licensing requirements for religious organizations. Groups may incorporate to acquire legal status and must have a minimum of 12 members to do so. This is a requirement for any group that seeks to gain legal status, as stipulated in the law governing associations. Also, religious groups, as any other association, must register with the Public Registry of the Justice Department if they are involved in any type of fundraising activity.

According to the General Directorate of Immigration, applications by foreign missionaries seeking permission to work in the country are studied on a case by case basis. They may be given a temporary permit that is granted for a maximum, nonrenewable term of 6 months. The missionary may enter the country as a tourist and then apply for the permit upon arrival. Alternatively, foreign missionaries may apply for an annually renewable temporary residence. This status is granted by a special migration council that consists of representatives from the Ministries of Public Security, Foreign Affairs, Labor, and Justice. In either case, missionaries must be accredited to an officially recognized church to receive the permit.

Catholic religious instruction is provided in the public schools; however, it is not mandatory. Students may obtain exemptions from this instruction with the permission of their parents. The school director, the student's parents, and the student's teacher must agree on an alternative course of instruction for the exempted student during instruction time. Religious education teachers in public schools must be certified by the Roman Catholic Church Conference, which does not certify teachers from other denominations or faiths. In April 2005, National University requested that the Ministry of Public Education reform the teachers' law to allow teachers who are certified in religious instruction by an entity other than the Catholic Church to teach religion in the public school system. National University provides degrees in religious instruction, but its graduates have difficulties finding employment because the Catholic Church will not certify them. The university alleged that the Catholic Church Conference certification requirement was discriminatory. At the end of the period covered by this report, the Education Ministry had not made a decision.

Private schools are free to offer any religious instruction they choose. Parents do not have the option of home schooling their children.

Despite the official status of the Catholic Church, the Constitution prohibits clergymen or secular individuals from engaging in political propaganda motivated by religion. There is no prohibition on clergymen or other religious individuals serving in political office; however, the Constitution establishes that the President, Vice President, Cabinet members, and Supreme Court justices may not be members of the clergy. A 2003 government decree facilitates the entry of representatives of all religions to prisons and hospitals to minister to their members.

Foreign missionaries and clergy of all denominations work and proselytize freely. Among the non-Catholic denominations, Mormons have the most active mission program, with 148 full-time missionaries. Many churches have short-term missions that may last a month or less and can comprise up to 20 persons.

#### Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion.

The Government does not ban or discourage specific religions or religious factions, nor does it restrict organized religions in establishing places of worship. All such applications are submitted to the local municipality and must comply with safety and noise regulations as established by the General Health Law. Several recently established evangelical churches were closed by municipalities, local health departments, or police as a result of noise violations. Representatives from the Evangelical Alliance Federation alleged that the noise pollution claims were baseless and that local officials closed down the churches simply because they did not like them. On March 18, 2005, a Legislative Assembly member who represents a Protestant political party expressed his opposition to the Health Ministry's closures of evangelical churches by climbing the country's national monument and refusing to come down until the Ministry of Health promised to reopen the churches and open an investigation into the noise levels of churches in question. At the end of the period covered by this report, the President's office was working with the Health and Housing Ministries to draft regulations regarding the building codes for places of worship that would apply to all churches, regardless of denomination.

There were no developments in the case of a priest awaiting the Constitutional Court's decision regarding his right to remain in the country after being ordered to leave by the Migration Department, which had determined that he was working without the proper visa.

There were no reports of religious prisoners or detainees.

#### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

#### Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

#### Section III. Societal Attitudes

The generally amicable relationship among religions in society contributed to religious freedom.

In 2003, a priest who was the spokesperson of the National Conference of Catholic Bishops was beaten by a group of unidentified persons. The priest blamed the followers of a breakaway Catholic group, The Queen and Lady of All Creation, for the attack, claiming that it was in retaliation for the Church's decision to disavow the group. At the end of the period covered by this report, a police investigation was in progress.

#### Section IV. U.S. Government Policy

The U.S. Embassy discusses religious freedom problems with the Government as part of its overall policy to promote human rights. Embassy officials met with the Archbishop of San Jose and dioceses in the provinces to discuss economic, social, and labor problems and also communicated with other religious leaders and faith based nongovernmental organizations. The Embassy coordinated with the Ministry of Foreign Relations' Director of Religion regarding multilateral efforts to ban all forms of human cloning.

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[International Religious Freedom Report Home Page](http://www.state.gov/g/drl/rls/irf/2005/51633.htm)